**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION.**

**CRIMINAL WRIT PETITION NO. 2529 OF 2004**

Saquib Abdul Hamid Nachan ..... Petitioner.

versus

The State of Maharashtra ..... Respondents.

.....

Shri Mubin H. Solkar for the petitioner.
Mrs. P.H.Kantharia APP for the State.

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**CORAM ; V.G.PALSHIKAR**
**SMT.V.K. TAHILRAMANI &**
**ANOOP V. MOHTA, JJ.**

**DATED; 8TH JULY, 2005**

**P.C.;**

1. This is an application by the original petitioner seeking review of an order made by this Bench deciding certain questions of law referred for answer to the Full Bench by a Division Bench of this court.

2. When the matter was taken up for hearing by the Full Bench, the question referred to the Full Bench was reframed so as to encompass the entire scope of the provisions of law. Arguments were heard on the basis

of those newly framed questions and all the petitions were disposed of by the order of the Full Bench.

3. The submission is that the Division Bench referred only one question which even after reframing remained applies to those submissions of law. Other writ petitions involving some other questions had also stand decided by the judgment of the Full Bench which in effect is deciding those questions without affording any opportunity of hearing of those points to the petitioner. The learned counsel appearing on behalf of the petitioner before the Full Bench were well aware of this situation and nothing beyond the submissions made was canvassed. These questions could have been canvassed before the Full Bench. No arguments were advanced for the reasons that none survives after the deceased.

4. Apart from that, provisions of section 362 of Cr.P.C. and Section 482 of that Code make it ample clear that the power of review does not exceed in this court under either of the sections. Section 362 reads thus:

**"Court not to alter judgment"**

**"Save as other wise provided by this Code or by any other law for the time being in force, no court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arthmetical error."**

5. This section therefore mandates when judgment is signed no court shall review the same except to correct clerical or arithmetical error. The error alleged is lack of granting opportunity to make submissions on certain questions. It cannot by any sketch of imagination to correct clerical or arithmetical error. The mandate of section 362 operates on this court also. No recourse if possible to the provisions of section 482 as it is the provision which says inherent powers of the high court, power to review is not an inherent power. Assuming it to be so section 362 Cr.P.C. mandates that it shall not be exercised. That being the situation, the review petition is not tenable.

6. Apart from that any grievance regarding not hearing of any issue raised or points argued can become an

error in the judgment which can be corrected only by the superior court. That being the position in law, we see no reason to interfere on merits also. The review petition is therefore dismissed.

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